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FILED ELECTRONICALLY

The Honorable Vernon S. Broderick
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, New York 10007

**Re: *Malibu Media v. Brittney Kernan*, No. 1:17-cv-01075-VSB
Initial Scheduling Conference Mar. 16, 2018 at 10:00 a.m.**

Dear Judge Broderick:

My firm represents defendant Brittney Kernan in the above-captioned action, which is currently scheduled for an initial case management conference before Your Honor, later this morning (continued from Mar. 1 at 11:00 a.m.). (*See* ECF No. 39.) This is to notify Your Honor that, last week, the parties agreed to terms of a settlement. I forwarded a signed affidavit to my adversary on Wednesday, March 13, and was expecting that this matter would be dismissed (making today's Fed. R. Civ. P. 16 conference moot).

Late yesterday, I received an email from my adversary attaching Fed. R. Civ. P. 26(a) disclosures, to which I immediately responded, inquiring about the dismissal. At 11:00 p.m. last night, my adversary emailed me stating he never received the affidavit; I re-sent the affidavit this morning, but apparently my adversary is having technical problems with his email, and says he cannot open attachments.

With apologies to the court, in reliance on the settlement agreement, I accepted other commitments today, which prevent me from coming into the city. My adversary has now advised that he will be dismissing the case against my client, however, if my appearance is still required, I am requesting leave to appear telephonically.

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Respectfully yours,

Joseph A. Bahgat

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